

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK
Rochester Division

DONALD MONTGOMERY,
ANDREW CARTER, LOIS REID,
KARL BECHLER, and "M.M.,"
as individuals, and on behalf of
all other persons similarly situated,

Plaintiffs

vs.

ANDREW M. CUOMO, Governor of the State
of New York; ANN MARIE T. SULLIVAN,
Commissioner of the New York State
Office of Mental Health; MICHAEL C. GREEN,
Executive Deputy Commissioner of the
New York State Division of Criminal Justice Services;
JOSEPH A. D'AMICO, Superintendent of
the New York State Police; VINCENT F. DEMARCO,
Suffolk County Sheriff's Department; and,
EASTERN LONG ISLAND HOSPITAL,

Defendants.

**DECLARATION OF THE
ATTORNEY TO THE PLAINTIFFS**

Civil No.: 6:14-cv-06709

Hon. Charles J. Siragusa

Paloma A. Capanna, Attorney, an attorney duly admitted to practice before this
Court, declares, pursuant to 28 U.S.C. §1746, as follows:


1. I am the attorney representing the Plaintiffs in the above-captioned action. As such,
I am familiar with the record of this case.

2. I submit this declaration in support of the Plaintiffs' Motion to Seal various exhibits marked and submitted under temporary seal by the State, along with one new exhibit of the Plaintiffs. The Motion also requests further redactions to several of the State's exhibits.
3. This Notice of Motion with brief statement of the nature of the documents to be sealed is filed electronically in accordance with the Administrative Procedures Guide for Electronic Filing in the Western District of New York at paragraph 2(o).
4. A Supplemental Declaration is filed on paper to further discuss the requested relief.
5. The essential nature of the documents requested to be sealed relate to the handgun licensing cases of the Plaintiffs and/or relate to events that may have transpired on or about the date that the Plaintiffs had contact with medical personnel and/or law enforcement in emergency medical circumstances.
6. The essential nature of the requested additional redactions on other of the State's proposed exhibits would bring those documents into compliance with FRCP 5.2 and into harmony with the public policy considerations underlying NY Penal Law §400.00(5)(a).
7. The final order in the license hearing of Mr. Carter is attached with the permit number redacted. This serves to update the Court on the successful outcome of that case. Plaintiffs – Ex. 45.

8. The final order in the license hearing of Ms. Reed is submitted under seal because the judge issued detailed findings as part of its order. This submission likewise serves to update the Court on the successful outcome of that case. Plaintiffs – Ex. 46.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated: Webster, New York
October 15, 2015


Paloma A. Capanna, Attorney